taken up at Ludhiana at a cost of Rs. 2.72 crore with an allocation of Rs. 45.00 lakh during 1996-97.

12.00 NOON

The Deputy Chairman in the Chair

Papers laid on the Table

Bills passed by the Houses of Parliamentary and assented to by the President.

SECRETARY-GENERAL: Madam, I beg to lay on the Table a statement (in English and Hindi) showing the Bills passed by the Houses of Parliament during the Hundred and Seventy-ninth Session of the Rajya Sabha and assented to by the President. (Placed in Library. See No. LT-1327197)

Report of the Comptroller and Auditor General of India on Kudremukh Iron Ore Company limited.

THE MINISTER OF STATE IN THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (DR. U. VENKATESWARLU): Madam, on behalf of Shri Birendra Prasad Baishya, I beg to a lay on the Table, under clause (1) of article 151 of the Constitution, a copy each (in English and Hindi) of the Report of the Comptroller and Auditor General of India—Union Government No. 4 (Commercial) of 1996 on Kudremukh Iron Ore Company Limited. (Placed in Library. See No. LT-1312197).

THE DEPUTY CHAIRMAN: Now, you lay the papers mentioned against your name.

SHRI PRANAB MUKHERJEE (WEST BENGAL): Madam, I have a general point to make on this.

As far as these Ordinances, copies of these Ordinances, which the hon. Minister is going to place on the Table of the House, are concerned, I know that it is as per the Constitutional requirement under sub-clause (a) of clause (2) of article 123 of the Constitution. I know that he is fulfilling the Constitutional requirement.

But Madam, if you look at the dates on which these Ordinances were promulgated, you would find that it appears as if the Government was just waiting for the Parliament Session to be adjourned so that they could promulgate this bunch of Ordinances.

The first Ordinance was promulgated on the 31st December; just within a week of adjournment of the House. On 9th January, as many as three Ordinances were promulgated. Then, on the 15th January, there were two Ordinances. On the 16th January, one Ordinance was promulgated. Again, as many as four Ordinances were promulgated on the 24th January.

If you look into the subject-matter of these Ordinances, you would find that in respect of most of the items, there was no reason why it could not have been done through the normal legislative route, instead of through the Ordinance route, as was the case here.

Madam, there is an element of urgency behind the issue of an Ordinance. This Constitutional provision was inserted to facilitate the Executive to make laws when Parliament was not in Session. The aim was to see that the administrative work was not hampered. Keeping that objective in view, this provision was inserted in the Constitution. Surely, it cannot be used just to bypass the Legislature or the Parliament and thereby making it a *fait accompli* on the Legislature or the Parliament to approve these Ordinances and convert them into laws. That is why I object to this.

The hon. Minister and the other Ministers who are in charge of the various legislations to which these Ordinaces relate would have to take note of it. In each case, we demand an explanation as to the urgency. Without urgency, there cannot be any Ordinance. We would like to know as to what is the urgency in each of these cases. If you look at some of these legislations, you would find that they have been waiting for years, for months. Why could we not wait for a few more weeks? Why should it be done in the interventing period between two Parliament Session?

Thank you, Madam.

DR. BIPLAB DASGUPTA (West Bengal): Madam Deputy Chairman, I fully agree that there should not be any rule by Ordinance. I also want that though Governments may come and go, there should be a consistent stand. When we were in the Opposition, we had been making the same point, when Mr. Pranab Mukherjee was on this side. Ordinances were issued without taking the Legislature into confidence. Therefore, I would appreciate that if Mr. Pranab Mukherjee comes back to the Government again, he would remember what he is saying now.

Thank you.

SHRI S.B. CHAVAN (Maharashtra) What are you saying? Are you justifying?

DR. BIPLAB DASGUPTA: I am supporting.

SYED SIBTEY RAZI: (Uttar Pradesh): Madam, we expect a response from the Government on the issue which my learned friend has raised. But Mr. Biplab Dasgupta is trying to belittle the matter. What we want to impress upon the Government is that the practice of rule through Ordinance should not be there. This is not a matter to be treated lightly. Therefore, the Government should react to the point made by my colleague. Instead of that, my friend, Mr. Biplab Dasgupta, is getting up and saying something which is very unfair. (*Interruptions*) We are making a submission here with all seriousness. If the hon. Member is treating such a serious issue in this manner, I am very sorry about it. (*Interruptions*)

DR. BIPLAB DASGUPTA: I am only saying that we should have a consistent stand.

THE DEPUTY CHAIRMAN: Now, there cannot be any debate on it.

श्री अजीत जोगी (मध्य प्रदेश): आप यहां बैठकर रोज चिल्लाते थे कि आप आर्डीनेन्स पर राज कर रहे हो और अब आप खुद ही आर्डीनेन्स से राज कर रहे हो।... (व्यवधान)...महोदया, इसके क्रमांक पांच के बारे में यह एक ऐसा पाइंट है...(व्यवधान)...

THE DEPUTY CHAIRMAN: I will tell you first about this. Mr. Mukherjee has raised an issue. In the past also I had made a comment about it, that as far as possible the Government-whichever Government is there - should bring as few Ordinance as possible. A couple of times I had mentioned it. And now this is being raised. So, be careful that next time you don't do this. Yes, Mr. Bommai, you want to say something about this?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI S.R. BOMMAI): Madam, I completely agree, in principle, with what has been raised and said by the hon. senior Member, Shri Pranab Mukherjee. Normally we should avoid bringing Ordinances, particularly when Parliament is about to meet. In fact, where constitutional provisions are concerned, whether we are on this side or that side, we should respect the constitutional conventions. Whenever there is an urgency they have to be exercised, and in the view of this Government, we felt the urgency and so the Ordinances have been issued. When the Ordinances will be discussed, the urgency will be explained.

THE DEPUTY CHAIRMAN: You were saying something, Mr. Jogi?

श्री अजीत जोगी: महोदया, इस सूची में क्रमांक-5 पर शक्कर वाले आर्डिनेन्स का उल्लेख है। आपको स्मरण होगा कि यह इस सदन के समक्ष बिल के रूप में प्रस्तुत हुआ था, हम लोगों ने उसको घोर आपत्ती की थी। हम लोगों को घोर आपत्ती को देखते हुए यहां पार्लियामेंटरी अफेयर्स मिनिस्टर श्री जैना ने आश्वासन दिया था कि इसे डेफर किया जाता है। एक आश्वासन जो सदन ने पूरी तरह से निरस्त कर दिया। जिस पर सदन ने यहां आपत्ती की उसको यहां पास नहीं करा सकने के कारण एक आर्डिनेन्स के रूप में प्रस्तुत किया गया। यह एक घोर आपत्तिजनक है। बाकी चीजों में आप आर्डिनेन्स प्रस्तुत करते हैं उस पर हमारे नेता और आदरणीय सदस्य श्री प्रणब मुखर्जी जिन्होंने सैद्धान्तिक मतभेद प्रस्तुत किया और आपने चेयर से उस पर रूलिंग भी दे दी पर कम से कम इस विषय पर तो बिल्कुल भी आर्डिनेन्स प्रस्तुत नहीं होना था जिसको इस सदन ने पूरी तरह से नामंजूर कर दिया। आपको पारित नहीं करने दिया। आपने उस पर आश्वासन दिया मैं इस पर भी चाहूंगा कि आपकी तरफ से पार्लियामेंटरी अफेयर्स मिनिस्टि को निर्देश जारी किया जाए।

THE DEPUTY CHAIRMAN: In the last session there was some difference of opinion, and there were some objections - reasonable objections - from the Members that the sugar

matter should be deferred. I have gone through the record, and Mr. Jena had said that because of shortage of time they had deferred it. I had a discussion with the leaders and it was decided that today item No. 5 may be deferred and also that the Statement regarding the Ordinance should be deferred along with it.

SHRI AJIT P.K. JOGI: Thank you very much.

SHRI JOHN F. FERNANDES (Goa): Defer it till Monday, not indefinitely.

THE DEPUTY CHAIRMAN: Some Members want to have some discussion with the Government. So, if the discussion takes place before Monday, it should be done on Monday. But, if the discussion does not take place, then it means, on the second day or any day. But, naturally, there are provisions that it has to be laid within a certain stipulated time.

Ordinances promulgated by the President

DR. U. VENKATESWARLU Madam: I lay on the Table, under sub-clause (a) of clause (2) of article 123 of the Constitution, a copy each (in English and Hindi) of the following Ordinances :—

(1) The Income Tax (Second Amendment) Ordinance, 1996 (No. 32 of 1996), promulgated by the President on the 31st December, 1996. [Placed in Library. *See* No. LT-1314/97]

(2) The Port Laws (Amendment) Ordinance, 1997 (No. 1 of 1997), promulgated by the President on the 9th January, 1997. [Placed in Library. *See* No. LT-1315/97]

(3) The Reserve Bank of India (Amendment) Ordinance, 1997 (No. 2 of 1997), promulgated by the President on the 9th January, 1997. [Placed in Library. *See* No. LT-1316/97]

(4) The Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1997 (No. 3 of 1997), promulgated by the President on the 9th January, 1997. [Placed in Library. *See* No. LT-1317/97]

(5) The Depositories Related Laws (Amendment) Ordinance, 1997 (No. 5 of 1997), promulgated by the President on the 15th January, 1997. [Placed in Library. *See* No. LT-1319/97]

(6) The Special Court (Trial of Offences Relating to Transactions in Securities) Amendment Ordinance, 1997 (No. 6 of 1997), promulgated by the President on the 16th January, 1997. [Placed in Library. *See* No. LT-1320/97]

(7) The Industrial Reconstruction Bank (Transfer of Undertakings and Repeal) Ordinance, 1997 (No. 7 of 1997), promulgated by the President on the 24th January, 1997. [Placed in Library. *See* No. LT-1321/97]

(8) The Electricity Laws (Amendment) Ordinance, 1997 (No. 8 of 1997), promulgated by the President on the 24th January, 1997. [Placed in Library. *See* No. LT-1322/97]

(9) The National Highways Laws (Amendment) Ordinance, 1997 (No. 9 of 1997), promulgated by the President on the 24th January, 1997. [Placed in Library. *See* No. LT-1323/97]

(10) The Lalit Kala Akadami (Taking over of Management) Ordinance, 1997 (No. 10 of 1997), promulgated by the President on the 24th January, 1997. [Placed in Library. *See* No. LT-1324/97]

(11) The Telecom Regulatory Authority of India Ordinance, 1997 (No. 11 of 1997), promulgated by the President on the 25th January, 1997. [Placed in Library. *See* No. LT-1325/97]

(12) The National Environment Appellate Authority Ordinance, 1997 (No. 12 of 1997), promulgated by the President on the 30th January, 1997. [Placed in Library. *See* No. LT-1326/97]

I. Report and Accounts (1995-96) of the Karnataka Prathmika *Shikshana* Vaikasa Yojana Samithi, Bangalore and related papers.

II. Report and Accounts (1995-96) of the Haryana Prathmik Shiksha Pariyojana Parishad, Chandigarh and related papers.